IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 23958 of 2004

Between:

Telephone Employees Residential Welfare Association, Rep by

its Secretary, Ch. Venkateswara Rao,
S/o. Late Seetharamaiah, aged 54 years, R/o. 1-87, Ward No.I

Poranki Village, Panamalur Mandal, Krishna District.

... PETITIONER

AND

1 District Collector, Krishna District, Machilipatnam.
2 District Panchayat Officer, Krishna District At Machilipatnam.
3 Poranki Gram Panchayat, Rep by its Sarpanch, Poranki,

Penamalur Mandal, Krishna District.
4 Panchayat Secretary, Grama Sanchivalayam, Poranki,

Penamalur Mandal, Krishna District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus declaring the action of the respondents in not taking any steps pursuant to the representation made by the petitioner dated 18-10-2004 as illegal and arbitrary and contrary to Sections 53,96 and 98 of A.P. Panchayat Raj Act and consequently direct the Respondents to act up on the representation made by the petitioner and remove the obstructions made on the public road namely Saw Mill

Road leading to N.H.9 from Telephone Colony, Pornaki, Penamalur Mandal, Krishna District.

Counsel for the Petitioner: MR.N.SUBBA RAO

Counsel for the Respondents 1 and 2: The G.P. for Panchayat Raj

Counsel for the Respondents 3 and 4: MR.DANTU.SRINIVAS

The Court, at the admission stage, made the following:

O R D E R:

This writ petition is filed to declare the action of the respondents in not taking any steps pursuant to the representation made by the petitioner dated 18-10-2004 as illegal and arbitrary and contrary to Sections 53, 96 and 98 of the A.P. Panchayat Raj Act and consequently direct the respondents to act upon the representation made by the petitioner.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj for the respondents and with their consent; the writ petition is being disposed of finally the admission stage.

3. Petitioner submits that the lands in Sy.Nos.403, 404 and 405 of Poranki village were converted into non-agricultural lands and they were divided into plots and the layout was submitted to the Gram Panchayat for its approval. It is the case of the petitioner that after the layout was sanctioned, the land was sold to various persons; in the sanction layout, the owners of the land set up some portions for forming the road and common amenities, apart from the roads which were set apart and the space left for amenities. It is alleged that, a small wall was constructed across the road that belongs to the Panchayat, preventing the residents of the colony to reach the National Highway, which ultimately resulted in causing inconvenience to the dwellers of the colony. It is further stated that petitioner made number of representations to the respondents, the latest one being 18-10-2004 to the fourth respondent to take steps to remove the said wall, but, so far no action had been taken on the said representation.

4. Inasmuch as the representation of the petitioner is pending before the fourth respondent, I deem it appropriate to dispose of the writ petition with a direction to the fourth respondent – Panchayat Secretary to consider the representation said to have been filed by the petitioner and pass appropriate orders thereon, expeditiously, in accordance with law.

The writ petition is accordingly disposed of at the admission stage.

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N.V. RAMANA, J

December 23, 2004

MRR / TVK

To:

1 The District Collector, Krishna District, Machilipatnam.
2 The District Panchayat Officer, Krishna District At Machilipatnam.
3 The Sarpanch, Poranki Gram Panchayat, Poranki,

Penamalur Mandal, Krishna District.
4 Panchayat Secretary, Grama Sanchivalayam, Poranki,

Penamalur Mandal, Krishna District.

5 Two C.C. s to the G.P. for Panchayat Raj, High Court Buildings,

Hyderabad (OUT)

6 Two C.D. Copies.